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TO

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**COMMENTS** 

Ms. Maggert:

ų,

The attached submission was requested by the Board at oral argument in Mar Tormo et al., App. No. 2000-1898, USSN 08/726,211.

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**PATENT** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mar Tormo

Ana M. Tari

Gabriel Lopez-Berestein

Serial No.: 08/726,211

Filed: October 4, 1996

For: INHIBITION OF BCL-2 PROTEIN

EXPRESSION BY LIPOSOMAL

**ANTISENSE** 

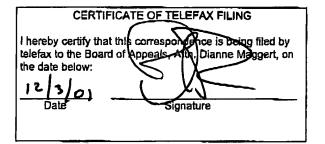
OLIGODEOXYNUCLEOTIDES

Group Art Unit: 1636

Examiner: R. Schwartzman

Atty. Dkt. No.: UTXC:504/STA

App. No. 2000-1898



## SUBMISSION OF REFERENCES REQUESTED BY BOARD, APPEAL NO. 2000-1898

Board of Patent Appeals and Interferences Washington, D.C. 20231

At oral argument in app. no. 200-1898, the Board requested submission of copies of Loke et al. references that are referred to at page 59 of the Evan PCT application. Appellants are therefore forwarding a copy of Loke et al., Proc. Natl. Acad. Sci., USA, 86:3474-3478 (1989) and Loke et al., Curr. Top. in Microbiol. and Immunol., 141:282-289 (1988).

The Loke et al. references are referred to by Evan at page 59, lines 6-8, as providing liposomes that would be suitable for effective delivery of bcl-2 antisense oligonucleotides.

Appellants have argued in this appeal that the references relied upon by Evan teach only charged and not neutral liposomes (see, e.g., Reply Brief at top of page 6). Appellants have reviewed the Loke et al. references and find that the Loke et al., 1988, article describes the preparation of liposomes composed of phosphatidyl serine at the top of page 284. No mention of liposomes or lipid complexes can be found in the Loke et al, 1989, article. The fact that phosphatidyl serine is a charged, and not a neutral, lipid can be seen from the enclosed structure and description of phosphatidyl serine, recently obtained off of the internet, showing it to be an acidic, anionic, phospholipid.

Respectfully submitted,

David L. Parker Reg. No. 32,165 Attorney for Applicants

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Date: December 3, 2001